

TO: Chairman and Members

DATE: March 10, 2011

**SUBJECT: AB 900 2007 Local Jail Construction Funding Program
Emergency Amendments to the Regulations**

AGENDA ITEM: E

**ACTION: X
INFORMATION:**

RESOURCE PERSON: Charlene Aboytes

Summary:

Assembly Bill (AB) 1628, in part, amends language in Government Code Sections 15820.906 and 15820.916 providing statutory authority for counties to utilize the design-build process for jail projects financed through the AB 900 Local Jail Construction Funding Program.¹ The AB 900 2007 Local Jail Construction Funding Program regulations have been amended to reflect that counties may now utilize this construction method. This agenda item requests approval of these revisions to the AB 900 2007 Local Jail Construction Funding Program regulations and approval to submit the revised regulations to the Office of Administrative Law (OAL).

Background:

One of the Corrections Standards Authority's (CSA) responsibilities described in AB 900 is the drafting of regulations that explain the requirements of that legislation including CSA's role in administering the \$1.2 billion in construction financing. AB 900 contains an urgency clause, making it necessary to expedite this regulation development process. This accelerated process is done through an Emergency/Operational Necessity filing pursuant to Penal Code Section 5058.3.

The AB 900 2007 Local Jail Construction Funding Program regulations were effective in November 2008. At that time, there was no statutory authority for the design-build process.² AB 1628 amended Government Code Sections 15820.906 and 15820.916 and the construction funding regulations have been amended to allow counties to utilize this construction method.

At the November 3, 2010 Corrections Standards Authority's (CSA) Board special session, the draft emergency revisions to the AB 900 2007 Local Jail Construction Funding Program regulations were approved. Subsequently, they were submitted to the OAL. A 45-day public comment took place and a public hearing was held in Sacramento. There were no public comments and there have been no further modifications to the regulations (Attachment A).

¹ This legislation also amended Welfare and Institutions Code Section 1775 for projects financed through the Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program.

² The design-build process is a construction project delivery method where the design work and the construction of the project are performed by a team brought together in a collaborative environment to build a project by overlapping tasks, for instance beginning site work when the building is still being designed. Because of its collaborative nature, it provides a greater level of oversight of the project.

With Board approval, CSA staff will develop the rulemaking file. The rulemaking file must be submitted to the OAL no later than May 2, 2011 and must include Board meeting minutes approving these regulations. This will require a CSA Board special session to approve minutes for this agenda item via teleconference. With your review and approval, we anticipate that these regulations will be effective by June 1, 2011.

Recommendation/Action Needed:

Staff recommends:

1. The Board approve the emergency amendments to the regulations.
2. The Board direct staff to submit the emergency amendments to the regulations to the Office of Administrative Law.